

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAHEEM SHABAZZ,

Petitioner,

-against-

9:02-CV-0939
(LEK/GHL)

GARY H. FILION,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on January 25, 2006, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 52). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Petitioner Shabazz, which were filed on February 7, 2006. Objections (Dkt. No. 55).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.¹

¹The Court notes several errors, which do not, however, impact materially upon the content of the Report-Recommendation. First, the citation to Dkt. No. 4 on page 2 should be to Dkt. No. 5. Second, Rhodes, cited in footnote 2, is a case decided in the year 2000, not in the year 2001. Third, Thompson, cited on page 10, is incorrectly cited as 2004 WL 2473303, but the correct citation is

Accordingly, it is hereby

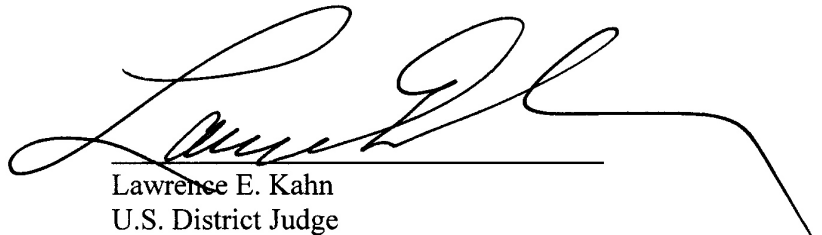
ORDERED, that the Report-Recommendation (Dkt. No. 52) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Petitioner's habeas petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge